

# Nedelcho Vladimirov response and objections to the Presentence Investigation Report in case No 2:20-CR-00054

## THE OFFENCE CONDUCT

11. I object the following: I did not have Scheme to Sell Stolen Items on eBay.

I didn't operate as a "fence", did <sup>not</sup> have co-conspirators and/or "boosters". No idea what items customers have in mind and I never drove or directed anyone to fencing operation. Never had targeted items. Never ~~me~~ knowingly met a "booster". I meet customers. Never knew any Item to be stolen. I was not aware of "known boosters", drug addicts and what any of my customers are doing with the money they received.

14. Marcus did not testified in the trial.

Anderson never referred to me as a "local fence". No one, including Anderson have ever told me about their criminal activity and that the items Anderson sales were stolen. Quite the opposite, as Anderson didn't operantly wanted me to find out of what he was doing.

I was paying customers more than other Pawn Shops would offer them.



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16. Stephanie Miller did not testify in the trial. I don't know <sup>her</sup>, never met or purchased anything from a female named Stephanie Miller. According to her interview with the police S-Miller doesn't know me and ever met me too.
17. Shipping packages is not a criminal activity. People and businesses are doing it all the time!
18. Meeting individuals in order to purchase what they offer to me is the base of my second hand business. This is not criminal. I never had a customer that I knew he/she is a "known booster" or a individual "known for felt activity" Who are these "known boosters" and where is the prove I met them?
19. Same as 17 and 18
23. The investigation has never proved that any of the items listed on my ebay account were stolen or to be the ones exactly the missing from Target, CVS and Kroger. This is very speculative and how many items were listed on my account is misleading.
24. The CI didn't told me what he lied was stolen. He told me he bought it from Target. Nothing criminal here.

25. Same as 24. The Ring doorbell was not "purported stolen". The CI has never told me it's stolen. He told me where he bought it from. Nothing in "25." that I did is criminal.
26. Same as 24 and 25. CI did not disclosed the items were stolen. Quite the opposite. He told me he bought them from CVS. I did not became suspicious. This is fantasy of the CI or he is just lying. The CI handed me the phone first and then told me his mom pays for it. I did not examine the call history and text messages. Did not cycle through applications. I checked the settings to see what kind of phone it is. But when he told me it's his mom's, I lost interest in it and gave it back. I haven't done anything criminal in here too. I close the open apps as a habit I have. Did not know what apps <sup>were</sup>.

### eBay Operation

27. Indicating that from 2016 to early 2020 thousands of transactions were conducted is misleading as thousands could be 2-3000 or 90-99000. Big difference. Exact number needs to be shown. I did not list any Item on eBay that

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I knew it was stolen. No false pretense ever. I would never buy or sell an item that I know it is stolen. I'm not a criminal and never have been.

28. None of the items I sold on eBay have been known to me to be stolen.

None of the items I sold on eBay have ever been proven to be stolen!

29. Same as 27 and 28. Never knew any item to be stolen.

The "same types of items", that the eBay records show, does not prove the items I sale on eBay are stolen or prove that I bought them from someone that stole them or I knew of any criminal activity.

31. The investigation has never proved that even a single penny in my income came from a sale of a stolen item, or any illegal activity. This is only their assumption. No prove! None of those money is illegal, laundered I have to indicate that I didn't steal any money or anything I sold on eBay. Any item I listed on eBay, I paid <sup>for</sup> and invested my own money in it! This is a huge expense! This amount of \$594,766.43 is totally ridiculous!

31. <sup>50416</sup>  
 I prepared and paid my taxes on these amounts every single year where all my expenses can be seen. The cost for the merchandise is the biggest! All invested with my own money!
34. Same as 31.

### Post Arrest interview

36. I explained what the base of my business was. A second hand buy - sale.
37. The folks that have been caught stealing items at local retailers apparently have lied as none of the witnesses has indicated that in their testimonies (that I directed them to steal these items).

### Summary

38. The investigation did not reveal that from Dec. 2016 to Feb. 10, 2020, I knowingly conspired with four "boosters" or anyone else to commit any of the mentioned offenses in there, and the rest of it.
39. I have not done any unlawful activities as stated.
40. This is totally made up. None of that has ever been proven!
41. There is no prove that more than \$10,000 or less, comes from illegal activity. Only assumptions!

41 (a) (b) (c) The transferred \$155,000 from City National Bank is from my bank account to my bank account. Nothing illegal!

To deposit into my Chase account is not illegal either.

The transfer of \$153,000 is again from my own account to my own account in BG where I'm a citizen of.

City National Bank keeps records of any account for only two and a half years. The records in the exhibits shown in the trial starts indicating the presence of more than \$80,000\* in my both accounts together. There is no prove whatsoever where these money are coming from as there is no record for them. Therefore these money can not be assumed to have to do with any unlawful activity.

\*(exact amount needs to be verified with the bank records first) - I don't have them though

The \$155,000 are coming from the sale of my house in Woods Cross, UT in 2007 where I received a check for close to \$143,000 and the sale of my apartment in Sofia, Bulgaria, where I got a check for €60,000\*\* euros.

\*\* (That's around \$90,000)

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42. The calculated funds there ~~are~~ have never been or intended to be laundered. The Dec. 2016 and Jan + Feb. 2020 look incurred to me too. If there is no 1099 then this amount can not possibly be more than \$20,000 as per PayPal policy. Where is the Dec. 2016 amount coming from? The amounts - same as 31. see 31

### Victim Impact

43. I did ~~not~~ steal anything from any of the indicated stores nor there is a prove that I bought any Item that was stolen from these retailers. Move over that I knew of such stolen Items.

### Adjustment for Obstruction of Justice

46. During the jury trial I did not falsely  
 47. testified. Everything I said was the  
 48. truth. I may have been found guilty by the jury but that doesn't automatically mean that I lied, as I believe 100% in what I said. Therefore all I did is <sup>exercising</sup> my constitutional right to defend myself and therefore I should not be punished extra for that, or assumed that I lied. This is double jeopardy! It is ridiculous to

accuse one of willfully obstructing or impeding the administration of justice by taking the step to exercise his constitutional right to defend yourself. If it means that if you have a certain right and you take it and then you get punished for doing it, that means you don't have that right at all. Nothing in my testimony has been proven to be false.

There should not be 2 level increase for that!

I'm over 50 and old. Never been criminal in my life. I've always been a law obeying citizen. I have very high credit score. I have very high reputation. Always paid my taxes on time. I worked my whole life as a house to support my family. Shouldn't I get few levels decrease for that?!

54. I don't recall the witnesses testifying to the number of items. No one has ever mention or establish any number of items I don't know of any other "boosters" who have provided stolen items to me as no one else has testified to that. Only these 4. Base offense level is Okay.

Better would be no offense level at all

55. I did not commit "Theft, Property Destruction and Fraud". The 3 retail experts did not

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determined to reasonable degree of certainty that I was operating a fencing operation. They theorized, assumed, speculated and twisted evidences to fit their preformed opinion. Their testimony can not be taken as prove. Everything in 55. is speculation and believe without prove.

56. Same as 31. See 31.

57. There is no loss of more than \$550,000. The retailers can not even determine any loss.

58. I don't understand this. This to me is double jeopardy! 2-level increase should not be recommended.

60. I'm not an organizer or leader of any criminal activity that involves five or more participants. There is no prove at all that I organized and/or directed anyone or what to do. This was not established at the trial. What the 4 witnesses have been doing was not known by me. They testified that they never told me! What they did is a complete act of their own decisions.

61. Since there is no proof that I was directing anyone what to do, how can I be an organizer? For the rest, same as 60.

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62. He as organizer or a leader has never been established (of 5 or more) They themselves are organizers and leaders of what they have been doing. Not me! 4 level increase should not be recommended and accepted.

63. Same as 46. 47. 48. Please see 46. 47. 48. 2 level increase is unacceptable.

67. Offense Level of 30 is unacceptable.

### Other Arrests

74. I was not charged with "Sexual Abuse" at all. Nothing sexual was involved in this incident. A slap on the face only for misbehaving and hitting me. The slap left marks on his face and the school reported it. My and my wife then were both charged.

76. I had proof of insurance. only no inspection that I later provided too.

### Personal and Family data:

81. The March 24, 2014 one was dismissed.

82. I might consider moving back to Bulgaria as my parents need my care. Being in Bulgaria I can not possibly commit any crime or violate any conditions of my probation in USA.

I'd like to consider this as an option.

## Physical Condition

85. The surgery was successful to the release of the pressure to the nerves. However the nerves were damaged and could not be restored. Therefore I suffer from chronic lower back pain. Sciatic pain.
  86. The nerve damage I addressed in 85. That does not cause joint pain. The joint pain is separate from it. Something is growing out of the palms of my hands and fingers near the joints. It's painful.
- I also would like to add that I have arthritis (not sure I'm spelling it right). I have enlarged <sup>painful</sup> prostate gland that is giving me all kinds of trouble. I have to pee anywhere from every 15 min to max of every 2 hours. Have very weak urine stream. Takes long to pee. Peeing causes very strong, dull pain in my kidneys. Frequent kidneys pain during the day. Frequent gas bladder area pain. Need Enema for constipation. Need prostate cancer screening, need gastroenteroscopy and colonoscopy. I wear reading glasses. Have tooth ~~pain~~ ache frequently.

88. The severe panic attack disorder I suffer from is not a Mental and Emotional Health disorder. It doesn't involve your mind. It has never been classified as a mental disorder. It is completely neurological disorder, therefore it should be moved to the physical Condition category. To number 86.

### Substance Abuse

89. I did not recall my first or last consumption of alcohol. I estimated when I could have had them. At age of 26 I got diagnosed with the panic attack disorder and quit what I was little <sup>some</sup> drinking at all. I didn't drink from age of 26 to about the age of 40 at all.
90. I experimented less than 10 times with marijuana for medical reasons. I didn't like the "high" part of it.
92. The positive benzodiazepine test is a result of the prescribed benzodiazepine I had.

### Educational, . . . . . Skills

96. I can read and write English (but constantly using dictionary) I can speak it better than understanding when someone is talking to me.

I have very hard time understanding or deciphering what people are saying to me. Turns out many times I completely misunderstand what someone said. I don't understand anything when a group of people talk to each other.

## Employment Record

97. Scratch my recall earning of \$5,000 gross and \$1,200 per month. I tried to recall what my tax returns were indicating but I think that's impossible without looking at them. These amounts are incorrect and every year they are different.
98. When I was working as a contractor for FedEx Ground, I was making approximately of \$250,000 per year. I had my own company called "TRANSGLOBAL ENTERPRISE" that is, since 2005.
99. The years are from 1997 to 2002, not from 1999 to 2000. I was employed as audio-video installer for "Audition Audio", electrician for "Electrocove" and computer technician for "SANTO". Pizza driver in the evenings for "Pizza Hut" and "Domino's".

Financial Condition:

100. My bank accounts with total of over \$70,000 and all my valuables in my home total easily over \$100,000 were seized.
101. Ms. McCown has not been paying the utilities and the mortgage with her own money. She was paying them from the rent money of the house. She started paying with her own money when the tenants left and she posted the house for sale. ~~there~~
103. I owe \$40,000 to my parents. Not to people. They helped me buy the real estate in Bulgaria in 2019. I was short \$40,000.  
Only the electric utilities are min \$700. The rest of the utilities is at least addition \$600.  
I'll owe IRS some money when I get the chance to do my 2019 and 2020 taxes.
104. Add payments for the storage unit and to my property manager too. She isn't working for free. \$195.00 total

#### Part D. Sentencing Options

108. I'm objecting the Total Offense level of 30 as stated above.

## Supervised Release

I'm objecting the need for a Supervised release and find that 1 year unsupervised release is more appropriate.

114. iii) I find that a drug testing is not needed at all as I'm not a drug abuser. This is completely unnecessary!

## Standard conditions

116. I find the standard conditions for an unsupervised release to be more appropriate. I'm considering moving back to Bulgaria to take the care my parent need.

117. I'm objecting 117. i) ii) iii) iv)

119. I object 119. I don't have mental health diagnosis in my history. As noted above in 88. the panic attack disorder is neurological and not a mental disorder. It is a physical disorder.

120 I'm also considering moving back to Bulgaria.

121 to 126. I object all of 121 to 126. All of them are totally unnecessary!

## Probation

127. Community service would be fine unless extraordinary circumstances exist.

129. I don't understand this!!!

130. If I'm sentenced to a term of probation I find to be appropriate with the same as the unsupervised release and no additional conditions.

### Fines

131 to 133 No fines should be imposed.

134. I'm objecting to all of 134.

### Restitution

135. Restitution should not be ordered as I didn't steal anything from the 3 retailers or done any harm to them. Others did, that was unknown to me.

136. Objecting 136.

### Part E.

137. Above I identified many factors that would warrant a departure from the applicable sentencing guideline range. ~~Discretionary~~ ~~was not and estate attorney~~. TOL should be decreased

### Part F.

138. Same as 137.

Ned. Vladimirov



~~(If that all copies please from all 16 pages)~~

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1/15/2021 Additional response and objections to the Presentence Investigation Report in case No 2:20-cr-00054 from Nedeltcho Vladimirov

1. On page 3, I'd like to point out that I don't have Alias(es). I'm not a gangster! The name: Nedeltcho Vassilev Vladimirov is my full name. First, Middle and Family names. Given at birth. Therefore not "also known as" and the name Ned is my nickname or my short name. The first 3 letters from my first name. Not an alias! Therefore the line "Alias(es)" should be corrected to full name and nickname.
2. On page 17 under "Other Arrests" Line 74. The record shows that I have been charged on 01/29/2003 with child Abuse. In the comment below was indicated to be "Sexual Abuse of a Minor." In my previous response I indicated what that could have been, but here I need to add and point out that I have never been charged in 2003 with sexual abuse of a minor. Not then, not ever! This record is false and inaccurate. It can not possibly be me. I'd have remember it. This record needs to be double checked. There are more people in SIC, UT with last

name "Vladimirov", just like mine. This record is some kind of mistake or it is made up. No wonder "no additional information has been received..."

Also I have never been arrested on such charge or been in court for it.

Line 76. I need to point out that I have not been arrested on that charge on 4/8/2013 either.

3. On page 18 under "Physical Condition" on line 86. I need to add that I once died from the effects of the sleep apnea in my sleep. My heart has stopped beating and I had a near dead experience. Therefore my sleep apnea is severe. Now that my nose got broken, my right nostril is almost completely blocked and my left one is half blocked. My sleep apnea is even worse now because of that and the chances to die again in my sleep are even bigger now, and this time I may not be able to recover. Therefore I urgently need recovering nose surgery.

4. There are two additional factors that should play roles in decreasing my Total Offense Level to time served or even a dismissal of the whole thing.

i) The first one is the fact that the

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three retail investigators have completely unnecessarily created a mocking and totally offensive picture of me depicting me as a leproser with mexican mustaches and other offensive graphics that is a total discrimination based on national origin. Their attitude towards me appears to be exactly the same. The picture can be found among their investigation materials in the discovery. Such attitude should not be acceptable and therefore it should play a role on my behalf at the time of my sentencing and it should be added to the PSI Report. This picture shows hate towards me and people of different national origin.

- ii) The second one is the fact that I was sexually ~~assaulted~~<sup>abused</sup> assaulted in October of 2021 while incarcerated in SCRJ by my cellmate Che D. Laru. I reported it to the jail authorities and wrote a brief description of what was happening. I don't remember the exact dates, but some of ~~the~~ them can be obtained from the jail records. My report to them too. I'll make further inquiries into this matter. I need to point out though, that the assault left me deeply traumatized to the point that now I started suffering from PTSD.

Among other symptoms, I now started having nightmares resulting of me jumping in the middle of the night from my bed and start looking ~~around~~ around the cell to see were is he and what is he going to do to me. I was in fear that while I'm sleeping, he would take advantage of that and ~~physically~~ physically assault me. There are many other fears that I'm suffering now from as a result of this sexual assault. Now, I need to point out that I don't deserve to go through such a horrible experience while incarcerated and under the federal custody. Experience that is going to leave a devastating mark for the rest of my life. Therefore this should be added to the PSI Report in my behalf as I also fill that I should seen compensations for the trauma I got from it. I will also prepare a more complete report to what was going on ASAP as I'm still shaking <sup>from</sup> this horrific experience, and don't want to think about it at all.

5. I find that it is necessary to add to the PSI Report the fact, that the 4 so called from the investigation "boosters", have testified that they have been selling

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their items not only to me, but to other people and Pawn Shops. This is to show that what they have been doing was completely act on their own and their actions were not whatsoever organized and/or directed by me.

This is another strong argument that 4 points should not be added to the Total level of the offense, on page 15: "Adjustment for Role in the Offense".

6. I find that it needs to be taken in consideration that if <sup>the</sup> proposed total level of offense <sup>30</sup> is given to me, that I may no longer be able to see my parents alive ever again in my life. They are very ill and they really need me to care for them now. My father is 79 and to turn 80 on 01/14/2022. My mother is 78 going on 79 on 06/9/2022. I hate to say this, but the reality is, that their days are numbered and without my help these days could get even shorter.

Please, someone should have some mercy on me!

7. Another factor in my behalf that should be considered is the fact that I never had previous experience with criminals, drug addicts and similar people in my life at all. I never knew or been close

to or around any criminals or drug addicts. I don't even know people who know criminals and drug addicts or people who have been around such. I'm coming from Bulgaria, a country in Europe with with totally, 180 degree different culture where such drug addicts and type of crimes did not and I believe still don't exist. I never had an idea who the drug addicts are and what they do in their life to support their drug addiction. My culture, experience and surrounding is completely different than the one of the average American. Even in America, all people I know and communicate with are Bulgarians and I don't have any American friends. The Bulgarians are all pretty much like me with the same culture. I have never been or any of my Bulgarian friends either a drug addict or even interested in the subject of getting "high" with illegal drugs. Never! Never have discussed the subject too. My interest in the marijuana was entirely for medical purpose in order to treat somehow my terrible sleep apnea. And it is only because the marijuana started to become legal in more and more States and Countries and people started to post a lot about it on internet. This is how I found out about its positive medical use, and decided to try it.

See next page 7→

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I've been driving semi trucks for over 11 years alone on the road in the whole lower 48 states. That didn't give me the chance to get to know much about the American culture. Then while moving I injured my lower back and had to quit and undergo back surgery. While recovering my wife decided ~~out~~ of the blue to divorce me and started a bitter one that I'm still dealing with. I ended up living alone again. Didn't have the chance once more to get to know the American culture. Therefore what happened to me was a complete surprise. I never saw it coming. I never suspected anyone to be dishonest and to lie and deceive me from my customers, that is. The 4 "boosters" took advantage of me by recognizing that I'm not aware of ~~the~~ what they could be doing and the danger that they are putting me in to. As they are criminals, they apparently knew very well how to manipulate me and made me keep believing that nothing is wrong with what they were selling to me. Therefore they never told me the items they were selling to me were stolen. They knew that I would stop buying from them if they were to tell me and they absolutely didn't want this to happen so

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They just apparently kept manipulating me until all of them, one by one got caught. Then they apparently started to manipulate the investigators in order to wash their dirty hands and they succeeded at the end. Now they are walking free and unpunished with the green light to continue their drug addict life and commit the same crimes they have been even long before they knew me. doing while I'm facing a long sentence. These people ruined the life of a completely honest person without any care or concern about what would this mean to me, my life, my family and friends. They are just happy that they were able to outsmart everyone and get clean out of the situation! I'm speaking out of my heart here and being completely honest. I'm not the person the investigation is trying to portray me to be. So, if you can see what I'm saying here, please, have some mercy on me!

Ned Vladimirov

